

DEBORAH M. SMITH
Acting United States Attorney

RICHARD L. POMEROY
Assistant U.S. Attorney
222 West Seventh Avenue, #9
Anchorage, Alaska 99513-7567
Phone: (907) 271-5071
Fax: (907) 271-2344
E-mail: richard.pomeroy@usdoj.gov

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JOHN MITCHELL

Plaintiff,

v.

UNITED STATES OF AMERICA, et
al.

Defendants.

Case No. 3:05-cv-00264-JWS

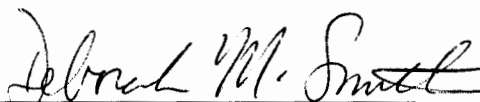
CERTIFICATION

I, DEBORAH M. SMITH, Acting United States Attorney for the District of Alaska, acting pursuant to the provisions of 28 U.S.C. § 2679 (d) (2), and by virtue of the authority vested in me by 28 C.F.R. § 15.3 (1990), hereby certify that I have read the Plaintiff's Complaint filed in the case *John Mitchell v. United States of America, Department of Defense, Department of the Army, and Dennis*

Dunn, 3:05-cv-0264-JWS, and the declaration of Joseph H. Rouse, Deputy Chief, Tort Claims Section, U.S. Army Claims Service.

Based on this information, with respect to the allegations therein, I find that the Defendant, Dennis Dunn, was acting within the scope of his employment as an employee of the United States at the time of the allegations contained in the Plaintiff's complaint.

Respectfully submitted this 13th day of March, 2006, in Anchorage, Alaska.


DEBORAH M. SMITH
Acting United States Attorney